

City Council Agenda

Council President

Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

Meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Office at 621-7650

The City Council welcomes you to this meeting.

DECEMBER 13, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Council President Mike Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of a Resolution of Commendation to Fresno Police Chief Dyer by Gene Junett of the "Play it Safe Child Safety" Program

Presentation of Proclamations to the Fresno Chaffee Zoo Corporation Boardmembers - Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of December 6, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * Consider approval of Contract Change Order No. 5 for the "No Neighborhood Left Behind" (NNLB) Plan and construct neighborhood infrastructure, Contract 2; PW00290 – Public Works Dept.
Action Taken:
- B. * Approve the first amendment to agreement with Lew and Patnaude for the architectural services at the Fresno Convention Center – Public Works Dept.
Action Taken:
- C. * Approve an amendment to agreement with Omni-Means, Ltd., for civil engineering services for the design of street improvements at the Intersection of Blackstone and Bullard Avenues – Public Works Dept.
Action Taken:
- D. **RESOLUTION** - Dedicating certain City-owned property for public street purposes, property located on the north side of E. Belmont Avenue east of N. Sunnyside Avenue – Public Works Dept.
Action Taken:
- E. * Approve professional services agreement with Blair, Church & Flynn for the design of plans and general construction documents for widening of Herndon Avenue between State Route 99 and Weber Avenue – Public Works Dept.
Action Taken:
- F. * Approve professional services agreement with Boyle Engineering Corporation, for design of a drying bed containment system at the City's surface water treatment facility – Dept. of Public Utilities
Action Taken:
- G. Approve appointment of Elitania Calderon to the Edison Merger II Project Area Planning Advisory Committee – Councilmember Sterling; reappointment of Al Grace to the Fresno-Madera Area Agency on Aging Board and appointment of Kristi Lawrence to the Fresno Mosquito and Vector Control District – Mayor Autry
Action Taken:
- H. * Award a contract to Tron Construction for Fresno Yosemite Airport FAR PART 150 NOISE Compatibility Program Sound Mitigation Acoustical Remedy Treatment (SMART) Program Phase VIII, Bid Group #15, 31 homes – Airports Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- I. * Award a contract to Diaz Construction for the construction of a baggage claim canopy for the Federal Inspection Station at Fresno Yosemite International Airport – Airports Dept.
Action Taken:
- J. * Award a contract to Rapiscan Security Products, Inc. for the purchase and installation of two (2) X-ray machines for the Federal Inspection Station at Fresno Yosemite International Airport – Airports Dept.
Action Taken:
- K. * Approval of agreement for professional consulting services with Carter & Burgess, Inc., not to exceed \$402,600 for the design and development of a consolidated rental car facility at Fresno Yosemite International Airport – Airports Dept.
Action Taken:
- L. Acquisition of voicepermits and voiceutility interactive voice response system – Information Services Dept.
Action Taken:
1. * **RESOLUTION** - Authorizing the Chief Information Officer to negotiate and enter into an agreement with Selectron Technologies for Voicepermits and Voiceutility Interactive Voice Response System without advertised competitive bidding
Action Taken:
2. * Authorize the Chief Information Officer to negotiate and enter into a supplemental agreement with SunGard HTE, Inc. for licensed software programs to interface with the Interactive Voice Response System
Action Taken:
- M. * **RESOLUTION** - Authorizing the Purchasing Manager to acquire surplus property from the State of California Federal Surplus Personal Property Program – General Services Dept./Purchasing Division
Action Taken:
- N. **RESOLUTION** – Approving the Final Map of Tract No. 5368 and accepting dedicated public uses therein and authorize the Public Works Director and Planning and Development Director to execute the necessary documents – Planning and Development Department
Action Taken:
- O. **RESOLUTION** - Of intention to annex Final Tract No. 5357 as Annexation No. 1 to the City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes – Public Works Dept.
Action Taken:
- P. **RESOLUTION** - Of intention to annex Tract No. 5171 as Annexation No. 104 to the City of Fresno Community Facilities District No. 2 and to authorize the levy of special taxes – Public Works Dept.
Action Taken:
- Q. **RESOLUTION** - Of intention to annex Final Tract No. 5285 as Annexation No. 106 to the City of Fresno Community Facilities District No. 2 and authorize the levy of special taxes – Public Works Dept.
Action Taken:
- R. * **RESOLUTION** – Increasing the City's contribution for Health and Welfare coverage for elected officials consistent with the adopted Memorandum of Understanding (MOU) and Salary Resolution – Personnel Services Dept.
Action Taken:
- S. * **RESOLUTION** - 13th amendment to Salary Resolution No. 2005-290 adding a Program Compliance Officer – Personnel Services Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- T. Adopt resolutions relating to the Customer Service Center (One Call Center) – City Manager's Office
1. * **RESOLUTION** - 14th amendment to Salary Resolution No. 2005-290 adding four (4) classifications
Action Taken:
 2. * **RESOLUTION** - 15th amendment to PAR No. 2005-287 moving five (5) vacant positions from the Zoo to the Customer Service Center Division (One Cell Center)
Action Taken:
 3. * **RESOLUTION** - 42nd amendment to AAR No. 2005-286 appropriating \$100,000 for staffing of the customer service center **(Requires 5 affirmative votes)**
Action Taken:
- U. **RESOLUTION** - 16th amendment to PAR No. 2005-287 adding six (6) Waste Collector Leadworker Positions to fulfill State-mandated commercial recycling requirements – Dept. of Public Utilities
Action Taken:
1. * **RESOLUTION** – 44th amendment to AAR No. 2005-286 appropriating \$1,107,200 for the expansion of mandatory commercial recycling **(Requires 5 affirmative votes)**
Action Taken:
- V. **RESOLUTION** - Relating to selection of President and Acting President of the Council for the 2006 term
Action Taken:
- W. Approve the City Council meeting schedule for the year 2006 – City Clerk's Office
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Annual review and acceptance of the Fiscal Year 2005 Impact Fee Annual Report as required by California Government Code – Public Works Dept.
Action Taken:
- B. Consider award of interim contract for the beneficial reuse of a portion of City's biosolids and environmental findings-- Dept. of Public Utilities
1. **RESOLUTION** - Consider and adopt resolution making necessary public health and safety findings under CEQA Guidelines Section 15269(c) exempting award of interim contract based on emergency.
Action Taken:
 2. * Award interim contract to McCarthy Farms for the beneficial reuse of a portion of City's biosolids
Action Taken:

3. **CITY COUNCIL**

- A. Request staff to meet with public school districts and private high schools within the City of Fresno to increase the number of students attending postsecondary education – Councilmembers Calhoun and Perea
Action Taken:
- B. Request update on transition of Laidlaw to MV Transport that will occur on 12/17/2005 – Council President Dages
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. SCHEDULED COMMUNICATION**
- B. UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.
- 10:00 A.M. HEARING** regarding Text Amendment No. TA-05-02, regarding the location of single family historic building and the interior side yard setback for key lots – Planning and Development Dept.
Action Taken:
a. * **BILL NO. B- 147- (Intro. Dec. 6, 2005) (For adoption)** – Adopt Text Amendment Application No. TA-05-02 amending the text of the Fresno Municipal Code Zoning Ordinance regarding the relocation of single family historic buildings and the interior side yard setback for key lots
Action Taken:
- 10:10 A.M. HEARING** regarding Text Amendment No. TA-05-03, to add residential/commercial mixed use projects to the various commercial zone districts - Planning and Development Dept.
Action Taken:
b. * **BILL NO. B-148 - (Intro. Dec. 6, 2005) (For adoption)** – Adopt Text Amendment Application No. TA-05-03 amending the text of the Fresno Municipal Code Zoning Ordinance to add residential/commercial mixed use projects to the various commercial zone districts
Action Taken:
- 10:20 A.M. HEARING** – To consider adoption of resolutions designating properties to the Local Register of Historic Resources – Planning and Development Dept.
Action Taken:
a. * **RESOLUTION** – Designating the Amazon S. Hays Home located at 330 N. Fulton Street to the Local Register of Historic Resources
Action Taken:
b. * **RESOLUTION** – Designating the Mary Matson Home located at 1440 E. Divisadero Street to the Local Register of Historic Resources
Action Taken:
- 10:30 A.M. HEARING** to consider Rezone Application No. R-05-48 and environmental findings, filed by Generation Homes, Inc., pertaining to approximately 9.98 acres of property located on the northeast corner of W. Herndon and N. Santa Fe Avenues **(Property located in District 2)** – Planning and Development Dept.
Action Taken:
a. Consider and adopt Environmental Assessment No. R-05-48/T-5555, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/EA/UGM (Exclusive Five Acre Agricultural/Expressway Area Overlay/Urban Growth Management) zone district to the R-1/EA/UGM (Single Family Residential/Expressway Area Overlay/Urban Growth Management) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M. HEARING to consider Plan Amendment Application No. A-04-33, and environmental findings, filed by Copper River Ranch, pertaining to approximately 63 acres of property located with the Copper River Ranch Development generally bounded by E. Copper Avenue, N. Friant Road, and N. Willow Avenue. The proposed amendment will affect Outlots M, N, P, and Y as approved by Vesting Tentative Tract Map No. 5205. The location of Outlots M, N, and P are along the Friant Road frontage, while Outlot Y is located near the existing Copper River Ranch Clubhouse **(Property located in District 6)** – Planning and Development Dept.

Action Taken:

- a. **RESOLUTION** – Amending Exhibit 6 of the 2025 Fresno General Plan, Urban Form Components Map, to add a “Mid Rise/High Rise Node” within the Copper River Ranch Project area, and amending Police C-3-c of the 2025 Fresno General Plan

Action Taken:

10:50 A.M. TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of revenue funding and refunding bonds by California Statewide Communities Development Authority (CSCDA) for the purpose of financing and refinancing continuing care facilities including a facility commonly know as San Joaquin Gardens – Finance Dept.

Action Taken:

- a. **RESOLUTION** - Approving the issuance of Revenue Refunding Bonds by the California Statewide Communities Development Authority (CSCDA) in the aggregate principal amount not to exceed \$120 million for the benefit of American Baptist Homes of the West

Action Taken:

11:00 A.M. CONTINUED HEARING to consider an appeal of the Planning Commission’s action approving Conditional Use Permit Application No. C-05-03 and environmental findings, filed by Cricket Communications, pertaining to approximately 0.34 acre of property located on the northwest corner of East Belmont and North Garden Avenues **(Property located in District 7)**

Action Taken:

- a. Consider Environmental Assessment No. C-05-03, Determination of a Categorical Exemption from the requirements of the California Environmental Quality Act (CEQA)

Action Taken:

- b. **RESOLUTION** – Approving Conditional Use Permit Application No. C-05-03

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Wayne Engineering Corporation, Arata Equipment Company, Central Valley Truck Center and Leach Company, and DOES 1 through 25; Fresno Superior Court Case No. 03CECG03091
2. **Case Name:** Stationary Engineers, Local 39 v. City of Fresno (PERB Charge SA-CE-312-M) and City of Fresno v. Stationary Engineers, Local 39 (PERB Charge SA-CO-19-M and SA-CO-29-M)

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Claim of County of Fresno

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 **CLOSED SESSION CONTINUED**

C. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision (c)

- 1. Case Name:** The City of Fresno v. The Discovery Center
Action Taken:

2:00 P.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

3:00 P.M. **HEARING** to consider Rezone Application No. R-05-29 and environmental findings, filed by Pleasant Valley Investments, LLC, pertaining to approximately 45.85 (net) acres of property located on the west side of S. Minnewawa Avenue between the E. California Avenue alignment and E. Church Avenue **(Property located in District 5)** – Planning and Development Dept.

Action Taken:

- a.** Consider and adopt Environmental Assessment No. R-05-29/T-5511, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b.** **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/R-M/UGM (*Single Family Residential-Agricultural/Residential Modifying/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) and the R-1-A/R-M/UGM (*Single Family Residential/Residential Modifying/Urban Growth Management*) zone districts

Action Taken:

3:15 P.M. **HEARING** to consider Rezone Application No. R-05-43, appeal of Vesting Tentative Tract Map No. 5456/UGM, and environmental findings, filed by Provost and Pritchard Engineering on behalf of Laguna Lakeside, LLC, pertaining to 51.4 acres of property located on the northeast corner of W. Madison and S. Valentine Avenues

Action Taken:

- a.** Consider and adopt Environmental Assessment No. R-05-43/T-5456, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b.** **RESOLUTION** – Deny Appeal and Approve Vesting Tentative Tract Map No. 5456/UGM, which proposes to subdivide the property into a 214-lot single family subdivision and a 4.25 acre remainder parcel

Action Taken:

- c.** **RESOLUTION** – Approve Appeal and Deny Vesting Tentative Tract Map No. 5456/UGM

Action Taken:

- d.** **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district Council District 3 (Councilmember Sterling)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:45 P.M.

CONTINUED HEARING to consider Plan Amendment Application No. A-04-01, Rezone Application No. R-04-03, and environmental findings by State Center Community College District and Clovis Unified School District, pertaining to approximately 214 acres of property located north and south of the E. International Avenue alignment between N. Willow and N. Chestnut Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency **(Property located in District 6)** – Planning and Development Dept.

Action Taken:

- a. **RESOLUTION** – Adopting findings regarding State Center Community College District EIR (State Clearinghouse No. 2000111026) and Clovis Unified School District EIR (State Clearinghouse No. 1999081017) as a responsible Agency pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15096 for adoption of Plan Amendment Application No. A-04-01 and Rezone Application No. R-04-03
- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and Woodward Park Community Plan for approximately 112 acres of the 214 acres of property located south of E. International Avenue alignment between N. Willow and N. Chestnut Avenues from the medium-low density residential planned land use designation to the public facilities/college planned land use designation
- c. **BILL** – Amending the Official Zone Map to rezone the entire 214 acres of the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken:

4:00 P.M.

HEARING to consider Rezone Application No. R-04-93, and environmental findings, filed by Patriot Homes, pertaining to approximately 51.48 gross acres (48.29 net acres) of property located on the northwest corner of N. Josephine and N. Riverside Country Club Drive, south of the San Joaquin River Bluff **(Property located in District 2)** - Planning and Development Dept.

Action Taken:

- a. Consider and adopt finding of Mitigated Negative Declaration for Environmental Assessment No. R-04-93/T-5358/C-04-246
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/BP/UGM (*Exclusive Five Acre Agricultural/Bluff Preservation Overlay/Urban Growth Management*) and the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone districts to the R-1/BP/UGM (*Single Family Residential/Bluff Preservation Overlay/Urban Growth Management*) zone district

Action Taken:

4:10 P.M.

HEARING to consider Rezone Application No. R-05-31, and environmental findings, filed by Pleasant Valley Investments, Inc., pertaining to approximately 18.85 gross acres of property located on the north side of E. Church Avenue between S. Chestnut and S. Willow Avenues **(Property located in District 5)** – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-05-31/T-5508/C-05-107, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:15 P.M.** Palm Lakes Municipal Golf Course:
- Reject proposal for concession to operate and manage City of Fresno Palm Lakes Municipal Golf Course – PR&CS
Action Taken:
 - Approve City staff recommendation to close Palm Lakes Municipal Golf Course effective January 1, 2006
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Dec. 20 - 8:30 A.M. (Consideration of Planning and Development Dept. items)
Dec. 20 - 8:30 A.M. **HEARING** re: Rezone Application No. R-05-84, filed by Centex Homes
- Dec. 27 - **NO MEETING - NEW YEARS WEEK**
- Jan. 3 - **NO MEETING**
- Jan. 3 - 10:00 A.M. **HEARING** re: the vacation of a portion of West Avenue south of Herndon Avenue – R.I. No. 1048-D (*Continued to Jan. 10, 2006 @ 10:00 a.m.*)
Jan. 3 - 10:10 A.M. **HEARING** re: Community Facilities District No. 2, Annexation No. 105, Tract No. 5414 (*Continued to Jan. 10, 2006 @ 10:10 a.m.*)
Jan. 3 - 10:15 A.M. **HEARING** re: Community Facilities District No. 11, Annexation No. 1, Tract No. 5357 (*Continued to Jan. 10, 2006 @ 10:15 a.m.*)
- Jan. 10 - 10:00 A.M. **CONTINUED HEARING** re: the vacation of a portion of West Avenue south of Herndon Avenue – R.I. No. 1048-D
Jan. 10 - 10:10 A.M. **CONTINUED HEARING** re: Community Facilities District No. 2, Annexation No. 105, Tract No. 5414
Jan. 10 - 10:15 A.M. **CONTINUED HEARING** re: Community Facilities District No. 11, Annexation No. 1, Tract No. 5357
Jan. 10 - 10:30 A.M. Discussion and approval of outlined recommendation regarding the utilization of fire sprinklers
Jan. 10 - 10:45 A.M. **HEARING** to consider updating water fees for the Urban Growth Management (UGM) 501s area and making necessary findings to impose fee update on approved development entitlements including vesting tentative maps
Jan. 10 - 3:00 P.M. **JOINT RDA HEARING** re: purchase of 2.52 acres at the northeast corner of Chestnut and Shields Avenues
Jan. 10 - 3:30 P.M. **WORKSHOP** on video policing – Councilmember Duncan
Jan. 10 - 5:30 P.M. **HEARING** – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources (***District 2***)
- Jan. 17 - **NO MEETING – MARTIN LUTHER KING DAY**
- Jan. 24 - 10:00 A.M.#1 **HEARING** re: Community Facilities District No. 2, Annexation No. 106, Tract No. 5285
Jan. 24 - 10:00 A.M.#2 **HEARING** re: Community Facilities District No. 2, Annexation No. 109, Tract No. 5343
Jan. 24 - 10:00 A.M.#3 **HEARING** re: Community Facilities District No. 2, Annexation No. 104, Tract No. 5171

(Future workshops – dates to be determined)

WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004